

## CLOSING

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GUY DEL GIUDICE, individually and on behalf of all those similarly situated ,

Plaintiff,

V.

S.A.C. CAPITAL MANAGEMENT, LLC, et  
al.,

Defendants.

**Civil Action No. 06-1413 (SRC)**

## ORDER

**CHESLER, District Judge**

This matter having come before the Court upon various motions for sanctions pursuant to Federal Rule of Civil Procedure 11 against three attorneys and against the Lead Plaintiff S. Mark Doctoroff (“Doctoroff”) personally; and the motions before the Court being the following, listed in the order they appear on the docket of this action:

(1) by Defendants Banc of America Securities LLC (“BAS”) and David Maris (“Maris”) for Rule 11 sanctions against Thomas Gentile (“Gentile”), the attorney for plaintiff Guy Del Giudice (“Del Giudice”) who filed the Complaint, Lead Counsel William B. Federman (“Federman”) of the law firm of Federman Sherwood and Liaison Counsel Evan J. Smith (“Smith”) of the law firm of Brodsky & Smith [docket item no. 108];

(2) by Defendants S.A.C. Capital Management, LLC; S.A.C. Capital Advisors, LLC; S.A.C. Capital Associates, LLC; Sigma Capital Management, LLC; S.A.C. Healthco Fund, LLC; and Steven A. Cohen (collectively, the “S.A.C. Defendants”) for Rule 11 sanctions against Gentile, Federman and Smith [docket item no. 111];

(3) by Defendants Arthur Cohen (“Cohen”) and Joseph Healey (“Healey”) for Rule 11 sanctions against Del Giudice, Federman and Smith [docket

item no. 113];

(4) by the Defendants Gradient Analytics, Inc.; Camelback Research Alliance, Inc.; James Carr Bettis; Donn Vickrey; Pinnacle Investment Advisors, LLC; and Helios Equity Fund, LLC (collectively, the “Gradient Analytics Defendants”) for Rule 11 sanctions against Del Giudice, Federman and Smith [docket item no. 114];

(5) by Defendant Timothy McCarthy for Rule 11 sanctions against Del Giudice, Federman and Smith [docket item no. 118];

(6) by BAS and Maris for Rule 11 sanctions against Doctoroff [docket item no. 125];

(7) by the Gradient Analytics Defendants for Rule 11 sanctions against Doctoroff [docket item no. 127];

(8) by the S.A.C. Defendants for Rule 11 sanctions against Doctoroff [docket item no. 130];

(9) by McCarthy for Rule 11 sanctions against Doctoroff [docket item no. 134]; and

(10) by Cohen and Healey for Rule 11 sanctions against Doctoroff [docket item no. 138];

and opposition having been filed to all of these motions; and the Court noting that Lead Counsel Federman Sherwood and Liaison Counsel Brodsky & Smith have moved to withdraw as counsel for the Lead Plaintiff [docket item no. 107]; and the Court having held oral argument on the various motions for sanctions on January 20, 2009; and the Court having considered the papers filed and the arguments made by the attorneys against whom sanctions are sought and by Lead Plaintiff Doctoroff, through his individual counsel, Louis R. Miller of the firm Miller Barondess, appearing for Doctoroff in connection with the sanctions motions; and for the reasons discussed in the Opinion filed herewith; and for good cause shown,

**IT IS** on this 19<sup>th</sup> day of February, 2009,

**ORDERED** that the motions for Rule 11 sanctions against Gentile, Federman and Smith filed by BAS and Maris [docket item no. 108] and by the S.A.C. Defendants [docket item no. 111] be and hereby are **GRANTED IN PART and DENIED IN PART**; and it is further

**ORDERED** that the motions for Rule 11 sanctions against Del Giudice, Federman, and Smith filed by Cohen and Healey [docket item no. 113], the Gradient Analytics Defendants [docket item no. 114] and McCarthy [docket item no. 118] be and hereby are **GRANTED IN PART and DENIED IN PART**; and it is further

**ORDERED** that the motions for Rule 11 sanctions against Doctoroff filed by the various Defendants as listed above [docket item nos. 125, 127, 130, 134 and 138] be and hereby are **GRANTED**; and it is further

**ORDERED** that Rule 11 sanctions in the form of dismissal of the First Amended Class Action Complaint without prejudice be and hereby are imposed against Federman, Smith and Doctoroff; and it is further

**ORDERED** that the First Amended Class Action Complaint [docket item no. 48] be and hereby is **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED** that Doctoroff's request for leave to file a further amended complaint be and hereby is **DENIED**.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge